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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,075	06/30/2003	Rene Lemieux	086169-0304587	7857

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EXAMINER

YEAGLEY, DANIEL S

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/608,075	Applicant(s) LEMIEUX, RENE	
	Examiner Daniel Yeagley	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,8 and 12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Invention I, in the reply filed on 8/5/04 was acknowledged and treated as an election without traverse as noted in paper number 20041026, wherein claim 11 was withdrawn as being drawn to an unelected invention. Therefore the newly submitted claim 12 drawn to the subject matter of the unelected invention which was directed to an invention that is independent or distinct from the invention originally claimed was not considered.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 12 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Specification

2. Applicants amendment to the specification regarding page 1 and page 14 is acknowledged and accepted, however, applicant is reminded that any changes, corrections or additions to the specification and the claims require the amended paragraphs be clearly marked with underlining, cross-through and/or brackets to show any changes or additions to the specification and claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 6, line 9 and 14; the term “its” are considered indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Valentine ‘775.

Valentine shows a snowmobile comprising an engine disposed on a chassis 20 and 40 (figure 9, column 6 - 7, line 66 - 4) and includes a steering column operatively connected to at least one ski R disposed on the chassis (column 3), an endless track 25 disposed below the chassis and operatively connected to the engine via a front drive axle 28 (figure 1, column 3), and further includes a slide rail system *suitable for* use on a tracked vehicle comprising a pair of substantially spaced-apart parallel elongated slide rails 42 comprising a front slide rail 74 with the forward end pivotally connected to a linkage 71, wherein a forward end of each rear slide rail 77 is pivotally connected to the rear end of the respective front slide rail at a first pivot point 78, and wherein the linkage is *suitable* to be pivotally connected to one of the chassis and the front drive axle at a pivot pint 72 which is forward the first pivot point as claimed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine '775 in view of Yamamoto et al '217.

Valentine discloses a snowmobile having a slide rail system *suitable for* use on a tracked vehicle with a pair of substantially spaced-apart parallel elongated slide members defined by a first and a second slide members having a front slide rail pivotal connection to at least one of the chassis and the front drive axle via a linkage as broadly claimed but failed to disclose each slide rail having a length, in which a ratio of the front slide rail to the length of the rear slide rail is in a range of 50 to 100 percent.

Yamamoto shows a snowmobile comprising an engine disposed on a chassis having a steering column operatively connected to at least one ski with an endless track 70 disposed below the chassis (figure 3), such that the slide rail system 3 is suitable for use on a tracked vehicle and comprises a first and second substantially parallel spaced-apart slide members consisting of a front slide rail 33 with a length that is within a ratio of 50 to 100 percent of the length of a rear slide rail 35 and pivotally connected to one another at numeral 34, wherein the forward ends of the pair of front slide rails are suitable for connection to at least one of the chassis 4 and front drive axle 30 (figure 4-5, column 3-5).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the slide rail system of Valentine front and rear slide rails with a front slide rail having a length in a range of 50 to 100 percent of the length of the rear slide rail such as suggested by Yamamoto in order to improve the follow-up performance of the drive track and provide optimum contact pressure by the rails on the lower run of the track to more closely follow the terrain for improved banking.

Response to Arguments

9. Applicant's arguments filed 3/3/05 and 5/17/05 have been fully considered but they are not persuasive. Valentine '775 clearly discloses a slide rail system as claimed as stated above and distinctively shows a front slide rail 74 being pivoted to a linkage element 71 which also is pivotally connected to the chassis as claimed.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.



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